

United States District Court

WESTERN DISTRICT OF NEW YORK

JUDGMENT IN A CIVIL CASE

CASE NUMBER: 05-CV-785F

Jose L. Nina, a/k/a Jose Bernard

v.

Charles Mule, Facility Director, et al

☐ **Jury Verdict.** This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.

☒ **Decision by Court.** This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

IT IS ORDERED AND ADJUDGED that the Petition is dismissed without prejudice to it being re-filed in the Second Circuit Court of Appeals. Further, leave to appeal as a poor person is denied.

Date: November 18, 2005

RODNEY C. EARLY,
CLERK

By: s/Deborah M. Zeeb
Deputy Clerk